FEDERAL REGISTER

VOLUME 5 NUMBER 52

Washington, Friday, March 15, 1940

The President

ARMY DAY—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st session (50 Stat. 1108) provides:

"That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the aforesaid concurrent resolution, do hereby declare April 6, 1940, as Army Day, and I hereby invite the Governors of the several States to issue Army Day proclamations; and, acting under the authority vested in me as Commander in Chief, I hereby order military units throughout the United States, its Territories and possessions, to assist civic bodies in the appropriate observance of that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 12" day of March, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2388]

[F. R. Doc. 40-1066; Filed, March 14, 1940; 10:37 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[F.C.A. 168]

INSURANCE IN CONNECTION WITH LAND BANK AND COMMISSIONER LOANS

Section 10.334 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 10.334 *Reduced insurance to be maintained under certain other circumstances.* A land bank may reduce the amount of insurance theretofore required or discontinue such requirement in whole or in part: (1) with the approval of the Land Bank Commissioner; (2) whenever it is found, through reappraisal by a land bank appraiser, that the land, without the buildings mentioned in § 10.331 would afford ample security under the provisions of the Federal Farm Loan Act for a new loan in the amount of the unpaid balance of the mortgage debt; (3) whenever the unpaid balance of the mortgage debt does not exceed 20 percent of the recovery value of the land, without the buildings mentioned in § 10.331, as fixed by the latest appraisal made by a land bank appraiser, provided the bank has no information to indicate that the value of the land may have materially declined since the appraisal; or (4) whenever the unpaid balance of the mortgage debt does

CONTENTS

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

not exceed $200, provided the bank deems the reduction or discontinuance of insurance advisable in the light of all pertinent factors. Insurance need not be required in excess of the unpaid balance of the mortgage debt. (Sec. 6, 47 Stat. 14, sec. 12 'Ninth', 39 Stat. 370; 12 U.S.C. 665, 771 'Ninth') [Revision No. 106, Manual for Federal Land Banks, March 14, 1940]"

Section 12.3083 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 12.3083 *Insurance in connection with first mortgage loans.* Every borrower from the Land Bank Commissioner whose loan is secured by a first mortgage on real estate shall furnish and maintain insurance at his own expense under a policy (or policies) to which there is attached a mortgage clause running in favor of the Land Bank Commissioner and the Federal Farm Mortgage Corporation as their respective interests may appear. Such mortgage clause shall contain the provisions of the New York standard mortgage clause or shall contain provisions which will afford the Land Bank Commissioner and the Federal Farm Mortgage Corporation the same protection and privileges as would be theirs under the New York standard mortgage clause. Insurance on farm properties mortgaged as security for Land Bank Commissioner first mortgage loans shall be for the full insurable value, or the value to the farm, whichever is lower, of the farm buildings and other improvements which are necessary for the proper operation of the mortgaged premises, unless such value be greater than the amount of the mortgage debt, in which event the insurance shall be for at least the amount of the debt. Such insurance shall provide coverage against loss by fire and/or such other risk or risks as the Federal land bank of the district, acting as agent of the Land Bank Commissioner and the Federal Farm Mortgage Corporation, may deem it advisable to include in the coverage, upon consideration of the hazards ordinarily insured against by reasonably prudent lending agencies in the locality where the mortgaged farm is situated. (Secs. 32, 33, 34, 48 Stat. 48, 49, as amended, secs. 1, 2, 3, 48 Stat. 344, 345; 12 U.S.C. 1016, 1017, 1018, 1020, 1020a, 1020b, and Sup.) [Revision No. 106, Manual for Federal Land Banks, March 14, 1940]"

Section 12.3084 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 12.3084 *Insurance in connection with second mortgage loans.* Every borrower from the Land Bank Commissioner whose loan is secured by a second mortgage on real estate shall, if practicable, furnish and maintain insurance in accordance with the requirements for first mortgage Land Bank Commissioner loans. Where the borrower is unable to comply with the requirements for first mortgage loans, by reason of a policy taken out, or to be taken out, in favor of the first mortgagee, he shall at his own expense procure and cause to be affixed to such policy a mortgage clause providing that any loss which is not payable under the policy to the first mortgagee shall be payable to the Land Bank Commissioner and the Federal Farm Mortgage Corporation as their respective interests may appear. Such mortgage clause shall contain the provisions of the New York standard mortgage clause or shall contain provisions which will afford the Land Bank Commissioner and the Federal Farm Mortgage Corporation the same protection and privileges as would be theirs under the New York standard mortgage clause. Except where the policy is held by the Federal land bank of the district as first mortgagee, the borrower shall furnish a certificate from the company issuing the policy that the interests of the Land Bank Commissioner and the Federal Farm Mortgage Corporation are insured thereunder, and the Federal land bank of the district, acting as agent of the Land Bank Commissioner and the Federal Farm Mortgage Corporation, may, in addition, require a statement from the first mortgagee (or other holder

of the policy) that a mortgage clause in favor of the Land Bank Commissioner and the Federal Farm Mortgage Corporation has been attached to the policy. Insurance on farm properties mortgaged as security for Land Bank Commissioner second mortgage loans shall be for the full insurable value, or the value to the farm, whichever is lower, of the farm buildings and other improvements which are necessary for the proper operation of the mortgaged premises, except that the insurance need not be for a greater amount than the sum of the first and second mortgage debts. The borrower shall at his own expense provide and maintain insurance coverage in accordance with the provisions of this paragraph against loss by fire and/or such other risk or risks as the Federal land bank of the district, acting as agent of the Land Bank Commissioner and the Federal Farm Mortgage Corporation, may deem it advisable to include in the coverage. (Secs. 32, 33, 34, 48 Stat. 48, 49, as amended, secs. 1, 2, 3, 48 Stat. 344, 345; 12 U.S.C. 1016, 1017, 1018, 1020, 1020a, 1020b, and Sup.) [Revision No. 106, Manual for Federal Land Banks, March 14, 1940]"

[SEAL] A. S. Goss,
Land Bank Commissioner.

[F. R. Doc. 40–1075; Filed, March 14, 1940; 11:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

Notice Under Packers and Stockyards Act

March 13, 1940.

To Basin Livestock Commission Company, Inc.,
Durango, Colo.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Basin Livestock Commission Company, at Durango, State of Colorado, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Sec. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] Grover B. Hill,
Assistant Secretary of Agriculture.

[F. R. Doc. 40–1076; Filed, March 14, 1940; 11:48 a.m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

Part 83—Sale of Surplus or Unserviceable Property[1]

§ 83.3[2] *Arms, ammunition and implements of war.* (a) Every invitation for bids for the sale, or exchange, of any of the items included in Proclamation No. 2237,[3] May 1, 1937, or in later similar proclamations will contain the following condition: Sale, or exchange, of items (enumerated) will be made only to citizens of the United States and to domestic corporations not less than three-fourths of the capital stock of which is held by citizens of the United States. Contract of sale, or exchange, for the items referred to shall prohibit the resale, transfer, or mortgage of such items to any foreign government or power engaged in armed conflict with any other foreign government or power, or to any national of such government or power, whether or not a state of war has been declared to exist between such governments or powers, and shall likewise prohibit the shipment of such items to any country or place under the jurisdiction or control of such foreign government or power. Such contract shall likewise obligate the purchaser, in the event of resale, to exact such requirements as to resale, transfer, mortgage and shipment of such items from each and every subsequent vendee.

(b) Every contract made pursuant to the invitation for bids referred to in (a) above will contain the following special condition: It is expressly understood and agreed by and between the parties hereto that no part of items (enumerated) shall be resold, transferred, or mortgaged to any foreign government or power engaged in armed conflict with any other foreign government or power, or to any national of such government or power, whether or not a state of war has been declared to exist between such governments, or powers, and that none of such items shall be shipped to any country or place under the jurisdiction or control of such foreign government or power. It is further understood and agreed that in the event of resale of any items so enumerated, this contract clause shall be included by each and every subsequent vendee. (R.S. 161; 5 U.S.C. 22) [Par. 14*b* (3) (a) and (b), A.R. 5–50, May 22, 1939, as amended by Proc. Cir. 5, Mar. 8, 1940]

[SEAL] E. S. Adams,
Major General,
The Adjutant General.

[F. R. Doc. 40–1074; Filed, March 14, 1940; 11:34 a. m.]

[1] 4 F.R. 2456.
[2] Section 83.8 (a), (b) is amended.
[3] 2 F.R. 778.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3289]

In the Matter of Standard Container Manufacturers' Association, Inc., et al.

§ 3.24 (a) (1.7) *Coercing and intimidating — Competitors — By threatening disciplinary action or otherwise:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Entering into or carrying out any understanding, agreement, etc., on the part of respondent corporations, partners, and individuals, engaged in manufacture, sale and distribution, or sale and distribution, of wooden fruit and vegetable containers in southeastern portion of United States, and more particularly in Georgia and Florida, and on the part of their officers, etc., with intent or effect of restricting, etc., competition in sale in interstate commerce of such containers, and, as a part of such understanding, etc., (1) agreeing to fix and maintain, or fixing and maintaining, (a) uniform or minimum prices, or (b) uniform terms and conditions of sale, such as maximum discounts, brokerage fees, freight and other allowances, and time limitations in contracts; (2) agreeing to curtail, or curtailing, production of such containers or parts, or to check, or checking, production of other parties to agreement *re* agreed curtailment; (3) threatening, etc., members of industry to induce their becoming parties, or to maintain prices fixed by agreement, or to curtail production in furtherance thereof; (4) filing with their association, its officers, etc., report as to member compliance *re* prices or production; and (5) reporting or conferring with respondent Adkins or any officer, etc., of respondent association *re* prices for sale of products, or production curtailment, or non-conformance to agreement by industry members as to aforesaid matters; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Standard Container Manufacturers' Association, Inc., et al., Docket 3289, March 5, 1940]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.55 *Furnishing means and instrumentalities of unfair or unlawful act or practice.* Aiding, abetting, encouraging or cooperating with respondent corporations, partners and individuals, engaged in manufacture, sale and distribution, or sale and distribution, of wooden fruit and vegetable containers in southeastern portion of United States, and more particularly in Georgia and Florida, in doing any of the acts and things prohibited by instant order, and, more particularly,

collecting from or disseminating among said respondents or any other member of their association or wooden container industry, any information as to prices, terms and conditions of sale, or curtailment of production, and on the part of said association and its officers, etc., including respondents Adkins, Chazal and Bennett, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Standard Container Manufacturers' Association, Inc., et al., Docket 3289, March 5, 1940]

§ 3.24 (a) (1.7) *Coercing and intimidating — Competitors — By threatening disciplinary action or otherwise:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Threatening, coercing, or in any wise intimidating members of the wooden fruit and vegetable container industry in an attempt to induce such members to become parties to understanding, agreement, combination or conspiracy (as hereinbefore set forth and indicated), or to maintain prices, terms and conditions of sale, or curtail production in furtherance of any such understanding, etc., and on the part of respondent Adkins (former president of association of members of such industry), prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Standard Container Manufacturers' Association, Inc., et al., Docket 3289, March 5, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[Docket No. 3289]

IN THE MATTER OF STANDARD CONTAINER MANUFACTURERS' ASSOCIATION, INC., A CORPORATION, AND ITS MEMBERS; JAMES B. ADKINS, CHARLES P. CHAZAL, RUSSELL W. BENNETT, INDIVIDUALLY, AND AS PRESIDENT, VICE PRESIDENT, AND SECRETARY, TREASURER AND MANAGER, RESPECTIVELY, AND AS MEMBERS OF THE BOARD OF DIRECTORS OF STANDARD CONTAINER MANUFACTURERS' ASSOCIATION, INC.; ADKINS MANUFACTURING COMPANY, A CORPORATION; CONSUMERS LUMBER AND VENEER COMPANY, A CORPORATION; ELBERTA CRATE & BOX CO., A CORPORATION; GEORGIA VENEER & PACKAGE CO., A CORPORATION; R. C. BALFOUR, JR., AND J. V. HAWTHORNE, TRADING AS GEORGIA CRATE & BASKET CO.; THE GREENVILLE VENEER & CRATE COMPANY, A CORPORATION; KEYSVILLE LUMBER COMPANY, A CORPORATION; WALTON E. NANTS AND R. A. NANTS, TRADING AS NANTS MANUFACTURING COMPANY; NOCATEE-MANATEE CRATE COMPANY, A CORPORATION; OCALA MANUFACTURING, ICE & PACKING CO., INC., A CORPORATION; THE PIERPONT MANUFACTURING COMPANY, A CORPORATION; ROUX CRATE & LUMBER COMPANY, INC., A CORPORATION; SHOLLAR CRATE AND BOX COMPANY, INC., A CORPORATION; SOUTHERN CRATE & VENEER CO., A CORPORATION; SOUTHERN VENEER COMPANY, A CORPORATION; L. B. WALLING, HUGH WALLING, AND FRIEDA WALLING, TRADING AS WALLING CRATE COMPANY; FRANK R. POUNDS CRATE COMPANY, A CORPORATION; LAKE CRATE AND LUMBER CO., A CORPORATION; OSCEOLA CRATE MILLS, INC., A CORPORATION; ZACHARY VENEER COMPANY, A CORPORATION; MONTBROOK CRATE CO., A CORPORATION; SOUTHERN CONTAINER COMPANY, A CORPORATION; CUMMER SONS CYPRESS COMPANY, A CORPORATION; HECTOR SUPPLY CO., A CORPORATION; ZACK RUSS, AN INDIVIDUAL, TRADING AS RUSS CRATE COMPANY; STEPHEN O. SHINHOLZER, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission on the complaint issued herein on January 3, 1938, and the answers filed by the respondents, testimony and other evidence taken by E. J. Hornibrook and John L. Hornor, examiners for the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed herein and oral argument by Edw. W. Thomerson, counsel for the Commission, and by F. C. Hillyer, counsel for all of the repondents except Keysville Lumber Company and Roux Crate & Lumber Company, Inc., and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Adkins Manufacturing Company, Consumers Lumber and Veneer Company, Elberta Crate & Box Company, Hector Supply Company, Georgia Veneer & Package Company, R. C. Balfour, Jr., and J. V. Hawthorne, doing business as the Georgia Crate & Basket Company, The Greenville Veneer & Crate Company, Keysville Lumber Company, Walton E. Nants and R. A. Nants, trading and doing business as Nants Manufacturing Company, Nocatee-Manatee Crate Company, Ocala Manufacturing, Ice & Packing Company, Inc., The Pierpont Manufacturing Company, Roux Crate & Lumber Company, Inc., Shollar Crate and Box Company, Inc., Southern Crate & Veneer Company, Southern Veneer Company, L. B. Walling, Hugh Walling and Frieda Walling, doing business as Walling Crate Company, Frank R. Pounds Crate Company, Lake Crate and Lumber Company, Zachary Veneer Company, Osceola Crate Mills, Inc., Montbrook Crate Company, Southern Container Company, Cummer Sons Cypress Company, Zach Russ, trading as Russ Crate Company, and Stephen O. Shinholzer, their officers, agents, representatives and employees, cease and desist from entering into, or carrying out, any understanding, agreement, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and any other members or members of the industry, for the purpose or with the effect of restricting, restraining or monopolizing, or eliminating competition in, the sale in interstate commerce of wooden containers used in packaging fruits and vegetables, variously described and referred to as crates, baskets, boxes, hampers, lugs, cups and trays, and the parts thereof, and as a part of such understanding, agreement, combination and conspiracy from doing any of the following acts or things:

1. Agreeing to fix and maintain, or fixing and maintaining, uniform or minimum prices.

2. Agreeing to fix and maintain, or fixing and maintaining, uniform terms and conditions of sale, such as maximum discounts, brokerage fees, freight and other allowances and time limitations in contracts.

3. Agreeing to curtail, or curtailing, production of such containers or the parts thereof or agreeing to check, or checking, the production of the mills of other parties to such an agreement to determine if such other mills have curtailed production as agreed upon.

4. Threatening, coercing or in any wise intimidating members of the industry in an effort to induce such members to become parties to said understanding, agreement, combination or conspiracy, or to induce such members to maintain the prices fixed by, or to curtail production in furtherance of, said understanding, agreement, combination or conspiracy.

5. Filing with the respondent association, Standard Container Manufacturers' Association, Inc., its officers, agents or employees, any report as to the manner and form in which any member of the industry is carrying out any agreement or understanding with reference to prices or production.

6. Reporting to or conferring with respondent James B. Adkins, or any officer, agent or employee of said respondent association, as to the prices at which said products are to be sold or as to the curtailing of the production of any of such products, or as to the failure of any member of the industry to carry out any agreement or understanding on the part of such member of the industry to maintain prices, terms and conditions of sale or to curtail production.

It is further ordered, That the respondent Standard Container Manufacturers' Association, Inc., its officers, agents and employees, and the respondents James B. Adkins, Charles P. Chazal, and Russell W. Bennett, forthwith cease and desist aiding, abetting or encouraging, or cooperating with, the respondents hereinabove named in doing any of the acts and things prohibited by this order, and more particularly collecting from or dis-

[1] 3 F.R. 582.

seminating among said above-named respondents, or any other member of the respondent Standard Container Manufacturers' Association, Inc., or the wooden container industry, any information as to prices, terms and conditions of sale, or curtailment of production.

It is further ordered, That the respondent James B. Adkins cease and desist threatening, coercing or, in any wise, intimidating members of the industry in an attempt to induce such members to become a party to such an understanding, agreement, combination or conspiracy, or to maintain prices, terms and conditions of sale or to curtail production in furtherance of any such understanding, agreement, combination or conspiracy.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–1059; Filed, March 13, 1940; 2:21 p. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 526]

PART 405—RECONDITIONING

FEE INSPECTORS; ASSIGNMENTS

Section 405.00–5 is amended by changing the first paragraph thereof to read as follows:

§ 405.00–5 *Fee inspectors; assignments; W. A. E. and fee.* Architects, engineers, builders, or other qualified persons shall, where practicable and to the best interests of the Corporation, be engaged on a fee basis for all types of cases to make any necessary inspections of properties; prepare sketches for minor reconditioning; write specifications, furnish cost estimates; certify approval or disapproval of the reconditioning construction work; and perform such other special assignments as hereinafter provided. Each applicant for such fee assignments must execute the approved application form. Assignments upon Form R–101 may be made by the District Reconditioning Supervisor upon approval of the application by the Regional Reconditioning Supervisor on Form R–69 or Form R–69A and receipt of notice of such approval on Form RO–123F. Such assignments may be made to any approved Fee Inspector irrespective of (1) previous salaried employment by the Corporation; (2) present W. A. E. employment by the Corporation; (3) previous salaried or W. A. E. service on cases now assigned; provided that fee service shall not be performed on the same day as W. A. E. employment by the Corporation. The service rendered by Fee Inspectors shall be conducted under the immediate supervision of the Reconditioning Supervisor or a salaried inspector designated by him to exercise such supervision. Reconditioning inspections will be made either on a fee or salaried basis at the discretion of the supervisor.

(Effective date November 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owner's Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1038; Filed, March 12, 1940; 2:10 p. m.]

PART 405—RECONDITIONING

APPOINTING DEPUTIES FOR RECONDITIONING OPERATIONS

Section 405.01, as added by the resolution of January 3, 1939, filed with the Division of the FEDERAL REGISTER February 8, 1939, is amended by deleting the word "Regional" from the first paragraph thereof, and by adding to said amended paragraph the following:

The Regional Manager may, in the manner now or hereafter provided request the appointment of deputies to execute forms on his behalf, to exercise any authority and to perform any duties vested in or required of the Regional Manager with respect to Reconditioning operations; provided, however, that such deputation is limited to the Assistant to the Regional Manager in Charge of Appraisal and Reconditioning or the Regional Reconditioning Supervisor and employees of the Appraisal and Reconditioning Division recommended by either such official.

(Effective date March 31, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on March 22, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1039; Filed, March 12, 1940; 2:10 p. m.]

[Administrative Order No. 505]

PART 405—RECONDITIONING

CONTRACT AWARD; WORK AUTHORIZED ON BIDS

Sections 405.01–33 and 405.01–44 are amended to read as follows:

§ 405.01–33 *Contract award.* Upon the execution of the contract or contracts by the authorized Corporation official in cases under the jurisdiction of the Property Management Division, a notice to commence work, together with a copy of the contract and the approved form to evidence clearance of liens when a lien clearance form is required, shall be forwarded to the Contractor.

§ 405.01–44 *Work authorized on bids.* Upon authorization of the maintenance repairs or the purchase of equipment, a copy of the contract shall be forwarded to the District Reconditioning Supervisor, and the authorization Forms PM–419 or PM–420, together with two approved copies of the contract, shall be forwarded to the contract broker, who shall deliver one copy of the contract to the Contractor with instructions to proceed with the work.

(Effective date September 1, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1040; Filed, March 12, 1940; 2:11 p. m.]

[Administrative Order No. 527]

PART 405—RECONDITIONING

INSPECTIONS AND RECOMMENDATIONS

Section 405.02–2 is amended by changing the first paragraph thereof to read as follows:

§ 405.02–2 *Inspections and recommendations.* When the State Manager receives Form R–7AB (529–A), indicating that the property securing the Corporation's mortgage or sales instrument is in need of necessary or emergency repairs, he shall, if he considers the application warrants further consideration, refer the case to the State Reconditioning Supervisor. The State Reconditioning Supervisor shall either cause a reconditioning inspection to be made by a salaried or fee reconditioning inspector and a cost estimate prepared on Form R–4D of the necessary repairs, or he shall make his

recommendation of the necessary repairs based upon any other information satisfactory to him in lieu of such inspection.

(Effective date November 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1041; Filed, March 12, 1940; 2:11 p. m.]

[Administrative Order No. 647]

PART 406—LEGAL

TRANSFER OF TAX WORK TO MANAGEMENT

Section 406.03–6 is amended by deleting the third sentence, which reads as follows:

Taxes, assessments, ground rents, or other levies or charges shall be disposed of as hereinafter provided in this Part.

(Effective October 1, 1938)

Revoking §§ 406.09–2, 406.09–3, 406.09–4, 406.09–6, 406.12–1, and 406.12–2:

It is further ordered, That Articles * * * [§§ 406.09–2, 406.09–3, 406.09–4, 406.09–6, 406.12–1 and 406.12–2 of Chapter IV, Title 24 of the Code of Federal Regulations] * * * are hereby revoked: *Provided,* That such revocation shall not invalidate or affect any transaction initiated under the authority of said Articles prior to the effective date hereof, and any such transactions shall be continued and consummated as provided in other applicable regulations.

(Effective date October 1, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a) (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1042; Filed, March 12, 1940; 2:11 p. m.]

PART 406—LEGAL

RESOLUTION NECESSITATED BY TRANSFER OF TAX WORK TO MANAGEMENT

Revoking §§ 406.08a, 406.09, 406.10, 406.12a, 406.12b and 406.12c.

Resolved, That §§ 608, 609, 610, * * * [and] 612 * * * of Chapter VI of the Consolidated Manual [§§ 406.08a, 406.09, 406.10, 406.12a, 406.12b and 406.12c of Chapter IV, Title 24 of the Code of Federal Regulations] are hereby revoked; provided that such revocation * * * shall not invalidate or affect any transaction initiated under the authority of said sections prior to the effective date hereof, and any such transactions shall be continued and consummated as provided in other applicable regulations.

(Effective date October 1, 1938)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on September 22, 1938.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1043; Filed, March 12, 1940; 2:12 p. m.]

[Administrative Order No. 729]

PART 407.—TREASURY

REFUND OF DEPOSITS; UNCOLLECTIBLE CHECKS

Sections 407.21–5 and 407.21–16 are renumbered §§ 407.21–6 and 407.21–15, respectively, so that these sections as renumbered shall read as follows:

§ 407.21–6 *Refund of deposits.* The State, Division, District, or Territorial Manager is authorized, in those cases when an application to rent has been rejected by said Manager, to refund to the party whose application has been rejected, by disbursement from his Incidental Expense Account, any deposit made with the Corporation in good faith by such party; provided, that in any case where there is a possibility of the deposit being returned as uncollectible by the paying bank or institution, disbursement shall not be made until sufficient time has elapsed for such item to have cleared the paying bank or institution.

§ 407.21–15 *Uncollectible checks.* In the event any item deposited to an Incidental Expense Account is returned by a depositary as uncollectible, an entry shall be made on Form 703 as outlined in the Forms Manual. The item shall be held and the person from whom it was received shall be immediately contacted and requested to have same made good. If not made good within thirty days, the case shall be referred to counsel for appropriate action. When the item is made good, a new deposit shall be made and properly referenced.

(Effective date September 1, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1044; Filed, March 12, 1940; 2:12 p. m.]

[Administrative Order No. 730]

PART 407—TREASURY

MORTGAGE BOND REFUNDS, RETURNED CHECKS, COLLECTION ITEMS, PRENUMBERED RECEIPTS

Sections 407.30–28, 407.30–33, 407.30–38, 407.30–39 and 407.30–47 are renumbered §§ 407.30–48, 407.30–54, 407.30–59, 407.30–60 and 407.30–69, respectively, and as renumbered are amended to read as follows (Effective September 1, 1938):

§ 407.30–48 *Mortgage bond refunds.* In the event bonds are received as a refund from a mortgagee, and any coupons maturing subsequent to the loan closing date have been detached, collection shall be made from the mortgagee for that portion (of such detached coupons) representing the period subsequent to the loan closing date; or in the event collection is not effected from the mortgagee, credit shall be allowed for the par value of the bonds less that portion of the detached coupons representing the period subsequent to the loan closing date.

§ 407.30–54 *Notification to debtor.* Except as otherwise provided in the regulations, any check returned by a depositary as uncollectible, shall be returned to the debtor accompanied by a letter advising him that his account has been charged with the amount of the returned check and the reason therefor.

§ 407.30–59 *Definition.* The term, Collection Item as used herein refers only to items which the depositary will not accept for ordinary deposit. Under no circumstances will change be given on instruments which cannot be handled as straight deposits.

§ 407.30–60 *Split payments.* If an individual payment tendered is composed of cash and check or any two or more forms of depositable exchange, only one receipt shall be issued or one credit ticket validated. When a payment is received consisting partly of cash or other depos-

itable item and partly of an item which is acceptable only for collection, two receipts shall be issued or two credit tickets validated; one for the portion of the payment acceptable for deposit and one for the portion acceptable only for collection.

§ 407.30–69 *Checking transmittals.* In the event there is any discrepancy between the written and numerical amounts shown on a receipt form the borrower shall be given credit for the larger amount, even though such action may result in a shortage. (See § 407.33–38.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 644: 12 U.S.C. 1463 (a), (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1045; Filed, March 12, 1940; 2:12 p. m.]

[Administrative Order No. 740]

PART 407—TREASURY

PRENUMBERED RECEIPTS; CHECKING TRANSMITTALS

Section 407.30–37 is added, reading as follows:

§ 407.30–37 *Checking transmittals.* In the event there is any discrepancy between the written and numerical amounts shown on a receipt form the borrower shall be given credit for the larger amount, even though such action may result in a shortage.

(Effective date March 6, 1939)

Section 407.30–69 is deleted, the text thereof being contained in § 407.30–37, above.

(Effective date March 6, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a) (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1046; Filed, March 12, 1940; 2:13 p. m.]

[Administrative Order No. 731]

PART 407—TREASURY

COLLECTION OFFICE PROCEDURE: FIELD REPRESENTATIVES

Sections 407.33–2, 407.33–3, 407.33–5, 407.33–6, 407.33–7, 407.33–8, 407.33–18, 407.33–20, 407.33–21, 407.33–22 and 407.33–25 are amended and new section numbers assigned to the text thereof, so that these sections as amended and renumbered shall read as follows:

§ 407.33–2 *Authority to receive collections.* With the exception of the personnel in the Regional Cashier's Subsection, only tellers, persons authorized to act as relief tellers, and designated collectors are permitted to receive or handle collections.

§ 407.33–5 *Making change.* If a person making a payment tenders a check in excess of the payment, change may be given for the excess amount, provided the employee in charge of the office in which the collection cage is located endorses the check and thereby assumes responsibility for the amount given the payer in change. Such employee in charge may in his discretion authorize tellers to accept Government checks or checks of any firms he may specify, and any portion of the face amount of a check so accepted which is not to be applied as a payment to the Corporation may be returned to the person presenting the check, provided that prior to deposit the check shall be endorsed by the employee who authorized its acceptance.

§ 407.33–7 *Cashing of checks prohibited.* Tellers are not permitted to cash any check except where such check is tendered in payment of amounts owing the Corporation as provided in § 407.33–5.

§ 407.33–10 *Purpose.* Collection Offices are established to receive payments made in person. Mailed remittances shall be accepted but to discourage such practice, except as otherwise provided herein, the originals or debtors' copies of receipt forms shall not be sent to the debtors.

§ 407.33–11 *Receipting for payments.* Collection Offices shall record every remittance received, whether paid in person or received by mail. Except in those offices where the use of validating machines has been authorized Form 41–C–7 shall be prepared for regular payments on all active mortgage or vendee accounts and for payments on accounts authorized for foreclosure. Forms 107 shall be used in receipting for payments on Property Management Accounts, for credits to Borrowers' Special Deposit Accounts and for miscellaneous purposes as outlined in the Forms Manual.

§ 407.33–13 *Payment by bonds.* Receipts for bonds tendered as payments by debtors shall be for the par value of such bonds, less the value of any detached unmatured coupons, the date of the first attached maturing or matured coupon, with "Subsequent coupons attached", if attached, being noted on the receipt form. Accrued interest will be computed and credited by the Regional Office.

§ 407.33–14 *Out-region payments.* Collection Offices shall accept all remittances tendered even though they apply to accounts maintained in other Regions and shall handle them as local payments.

§ 407.33–27 *Validation of coupons.* In Collection Offices where the use of validating machines has been authorized, tellers shall validate a complete billing form for the remittance of each debtor, including mailed receipts, which validation will imprint the same information as set forth in § 407.30–8.

Where a complete billing form does not accompany the remittance, the tellers shall prepare a new billing form, writing the debtor's name and loan number on the Notice of Payment Due portion of the form, and the debtor's name, address, and loan number on the Remittance Coupon and validate both halves of the form, giving the validated Notice of Payment Due portion of the form to the debtor as his receipt.

§ 407.33–28 *Change of billing form.* Where the amount submitted by the debtor does not correspond with the amount stated on the billing form, the teller shall strike out on both halves of the form the amount billed prior to validation.

Where a teller validates a credit ticket in an erroneous amount, same shall be marked "Void" on both halves, blank credit ticket be prepared and correctly validated, and number of new credit ticket shall be noted on the voided credit ticket.

§ 407.33–38 *Amount variation on receipt form.* The teller may obtain relief for this type of shortage by obtaining an affidavit from the debtor to the effect that the debtor is entitled only to the smaller amount shown on the receipt form in question.

If the teller does not promptly obtain an affidavit as above from the debtor, he shall make good the amount of the shortage.

§ 407.33–39 *Authority.* Field Representatives are only authorized to handle payments and deposits offered by debtors whom they contact in servicing accounts, subject to the limitations prescribed under Loan Service or Property Management Regulations. They shall be furnished with the official Identification Card, Form 61 or 61–A, which must be carried whenever they are on official business, and be exhibited upon request. They shall not accept H.O.L.C. bonds.

§ 407.33–40 *Receipts.* Collectors shall be furnished and charged with books of receipts, Form 41–C–7, and Forms 107, issued to them by the teller to whom the collector reports. The original copy of a receipt shall be given to the payer and the accounting copy

shall accompany the payment to the Collection Office. The original and accounting copy of each receipt voided by a collector must be routed promptly to the Collection Office in unbroken series with the used receipts.

§ 407.33–43 *Giving change.* Under no circumstances shall change be given by field collectors on checks, drafts or money orders.

(Effective date September 1, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k).)

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1047; Filed, March 12, 1940; 2:13 p. m.]

[Administrative Order No. 1013]

PART 410—PURCHASE AND SUPPLY

AUTHORIZATION TO INCUR EXPENSE

Section 410.00–11 is deleted in its entirety.

Section 410.07–1 is amended to read as follows:

§ 410.07–1 *Authorization to incur expense.* The Director of the Purchase and Supply Section is authorized to purchase supplies, equipment, and services not otherwise provided for, and to make and execute contracts for recurring services, for the use of the Corporation in the Home Office and in the Field Offices up to and including $500.00 (except law books, law periodicals, law publications, and like material for law libraries as provided in § 406.17 of Part 406).

Such purchases and the making and executing of such contracts for the use of the Corporation in the Home and Field Offices, involving a cost of more than $500.00, shall be approved by:

1. The Budget Director and a Board member when for the use of the Auditing Department, and the Comptroller's and Treasurer's Divisions.

2. The General Manager and a Board Member when for the use of any other department, division or section of the Corporation (except the Legal Department as provided in § 406.17 of Part 406).

Authorization to pay expense

Payment for the purchase of such supplies, equipment and services as well as for such recurring services, shall be made on a properly prepared voucher certified as to delivery and administratively approved by the Director of the Purchase and Supply Section, when for the Home Office and by the Regional or State Manager, when for Field Offices, for purchases previously authorized as provided in § 410.07, and when duly certified for payment by the Auditor.

Payment for the purchase of law books, law periodicals, law publications and like material for law libraries, as provided in § 406.17 of Part VI, for the Home Office, shall be made on properly prepared vouchers certified as to delivery and administratively approved by the General Counsel, and when duly certified for payment by the Auditor. For Field Offices, such vouchers shall be signed by the Regional or State Counsel, as receiving officer, and forwarded to the General Counsel in the Home Office for approval.

Payment for subscriptions to periodicals, shall be made upon properly approved vouchers, *upon receipt of the first issue*, and when duly certified for payment by the Auditor.

Where it is to the definite advantage of the Corporation, a 10% over or under delivery, in quantity only, may be accepted at the discretion of the Director of the Purchase and Supply Section, when for the Home Office and by the Regional or State Manager, when for Field Offices, on deliveries of supplies and forms only. Properly approved vouchers, including this variation in quantity, shall be paid when certified for payment by the Auditor.

In the event an over-delivery causes the total amount of any order originally issued for less than $500.00, to exceed $500.00, clearance from the Director of the Purchase and Supply Section must be obtained prior to acceptance. Clearance shall also be obtained from the Director of the Purchase and Supply Section before accepting an over-delivery in excess of the 10% quantity limitation.

(Effective date July 1, 1938)

Section 410.07–2 is added, reading as follows:

§ 410.07–2 *Contracts for recurring services.* Recurring services shall include laundry, ice, post office box rental, drayage, armored car and similar collection and deposit service, rental of equipment, and also heat, drinking water, and janitor service where no provision is made therefor in the lease, and any other service of a recurring nature in any Field Office of the Corporation except telephone, telegraph, and electric service, save those affecting acquired properties and of a non-administrative nature.

(Effective date July 1, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1048; Filed, March 12, 1940; 2:13 p. m.]

[Administrative Order No. 1014]

PART 410—PURCHASE AND SUPPLY

BIDS OF LOCAL VENDORS

Section 410.01–1 is amended to read as follows:

§ 410.01–1 *Bids of local vendors.* It is the purpose of the Corporation to permit local concerns to bid on all supplies and equipment that may be obtained locally. In all such cases bids obtained, if any, shall accompany the requisition. All bids must contain detailed specifications and information as to quality, material used, and other necessary facts.

(Effective date July 18, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1049; Filed, March 12, 1940; 2:14 p. m.]

PART 410—PURCHASE AND SUPPLY

AUTHORIZING PURCHASE OF SUPPLIES AND CONTRACTS FOR RECURRING SERVICES

Section 410.07a is amended as follows:

Resolved, That * * * Section 1007 (a) [§ 410.07a] is hereby amended by deleting from the sub-division No. 3 the words "the Auditing Department and" * * *.

(Effective date November 17, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on November 17, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1050; Filed, March 12, 1940; 2:14 p. m.]

[Administrative Order No. 1016]

PART 410—PURCHASE AND SUPPLY

RECURRING SERVICES

Amending Part 410 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 410.07–2 is amended to read as follows:

§ 410.07–2 *Recurring services.* Recurring services shall include laundry, ice, post office box rental, drayage, armored car and similar collection and deposit service, rental of equipment, and also heat and janitor service where no provision is made therefor in the lease, and any other service of a recurring nature in any office of the Corporation except bottled drinking water, telephone, telegraph and electric service, save those affecting acquired properties and of a non-administrative nature.

(Effective date November 25, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40–1051; Filed, March 12, 1940; 2:14 p. m.]

CHAPTER V—FEDERAL HOUSING ADMINISTRATION

PART 502—PROPERTY IMPROVEMENT LOANS UNDER TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED

Section 502.11 (d)[1] (Regulation XI, Section 4 of Part II) is amended to read as follows:

"If the default is not cured as aforesaid, and if the insured institution has otherwise complied with the provisions of this Regulation, it may at any time within seven months or such further time as may be approved by the Administrator, after acquiring title to and possession of the mortgaged property; tender to the Administration possession of, and a deed containing a covenant which warrants against the acts of the insured institution and all claiming by, through, or under it, conveying good merchantable title to such property undamaged by fire, earthquake, flood or tornado. The Administrator shall promptly accept conveyance of such property and, subject to Section 14 (Regulation XIV), make payment of loss sustained by the insured institution as follows:

"(1) The net unpaid balance of advance actually made;

"(2) Uncollected earned interest (after default interest is not to be claimed at a rate to exceed 4% per annum for the first six months nor thereafter to exceed 3% per annum and will be calculated to the date the claim is approved for payment);

"(3) Actual expenses incurred by the insured institution and approved by the Administrator in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Administrator up to but not to exceed $75.00;

"(4) The amount of all payments which have been made by the insured institution for taxes, ground rents, special assessments, and water rates which are liens prior to the mortgage, and fire and hazard insurance premiums.

"Any amount received by the insured institution from any source relating to the property on account of rent or other income, after deducting reasonable expenses incurred in handling the property shall be deducted from the sum of the foregoing."

The Amendment contained herein is hereby declared to have the same force and effect as if included in and made a part of each Contract of Insurance, and shall be effective March 15, 1940.

STEWART MCDONALD,
Federal Housing Administrator.

MARCH 11, 1940.

[F. R. Doc. 40–1065; Filed, March 14, 1940; 10:31 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

RECREATIONAL DEMONSTRATION AREAS

REVOCATION OF SUBSIDIARY REGULATIONS

1. The subsidiary regulations for Catoctin Recreational Demonstration Area,[1] approved March 25, 1939 (§ 20.24, Chapter I, Title 36, Code of Federal Regulations), are hereby revoked.

2. The subsidiary regulations for Raccoon Creek Recreational Demonstration Area,[2] approved April 4, 1939 (§ 20.27, Chapter I, Title 36, Code of Federal Regulations), are hereby revoked.

3. The subsidiary regulations for Cheraw Recreational Demonstration Area,[3] approved August 19, 1939 (§ 20.28, Chapter I, Title 36, Code of Federal Regulations), are hereby revoked.

4. Paragraph (a) of the subsidiary regulations for Swift Creek Recreational Demonstration Area,[4] approved March 14, 1939 (paragraph (a), § 20.30, Chapter I, Title 36, Code of Federal Regulations), is hereby revoked.

Approved March 8, 1940.

[SEAL] ARNO B. CAMMERER,
Director.

[F. R. Doc. 40–1063; Filed, March 14, 1940; 9:31 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD BROADCAST STATIONS

The Commission on March 12, 1940, effective immediately, amended § 3.51 (a) (2)[1] by extending the time for compliance from July 1, 1940, to December 1, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40–1064; Filed, March 14, 1940; 9:57 a.m.]

TITLE 50—WILDLIFE

CHAPTER I—BUREAU OF BIOLOGICAL SURVEY

PART 24—WEST CENTRAL REGION: INDIVIDUAL NATIONAL WILDLIFE REFUGES

ORDER PERMITTING THE TRAPPING OF MUSKRATS WITHIN CERTAIN PARTS OF THE UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE, MINNESOTA

§ 24.919c Pursuant to the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650: 16 U.S.C. 726) as amended, and to the President's Reorganization Plan No. II, (53 Stat. 1431), it is hereby ordered that, in accordance with the joint regulations of September 27, 1934,[2] for the administration of the Upper Mississippi River Wildlife and Fish Refuge, the trapping of muskrats in Minnesota under permits of the superintendent of the refuge is permitted during the 1940 open season prescribed therefor by State law or regulation, in manner, by means, and to the extent not prohibited by State law or regulation or by the laws or regulations governing the refuge, on all lands of the refuge in Minnesota, except within the migratory waterfowl closed areas defined in the order approved by the Secretary of the Interior on September 19, 1939,[3] subject to the following special provisions, conditions, restrictions, and requirements.

(1) *Trapping permits.* Any person exercising the privilege of trapping within the refuge shall be in possession of a valid trapping license issued by the State of Minnesota, if such license is required,

[1] 4 F.R. 4991.

[1] 4 F.R. 1415.
[2] 4 F.R. 1614.
[3] 4 F.R. 3752.
[4] 4 F.R. 1287.

[1] 4 F.R. 2718.
[2] 50 CFR 24.919 (a); S.R.A.—B.S. 80.
[3] 50 CFR 24.919a; 4 F.R. 4264 DI.

and must possess a valid trapping permit issued by the superintendent of the refuge. He shall carry such license and permit on his person while trapping, and when requested to do so, shall exhibit them to any State or Federal warden authorized to enforce the game and fish laws of the State and of the United States. The superintendent of the refuge may issue permits for the trapping of muskrats as herein authorized to qualified persons. Each applicant for a trapping permit must have been for the period of six months last past a bona fide resident within or in the vicinity of the refuge, and upon application he shall exhibit to the superintendent or his representative a valid trapping license of the State of Minnesota and shall make a sworn statement as to his period of residence in the civil township, village, or city in which he claims residence.

(2) *Limitations on trapping methods.* Muskrats may be taken on the refuge only with ordinary spring steel traps not larger than No. 1½ or with other traps the use of which is approved by the superintendent or his authorized representative. Each permittee shall visit and inspect each of his traps within the refuge at least once every twenty-four hours and shall at the close of the trapping season, take up and remove all his traps from the refuge. Permittees may not cut on the refuge any growth except willows for use as trap stakes or drags.

(3) *Prohibited methods and acts.* The possession or use within the boundaries of the refuge of a muskrat spear or any other similar device by means of which muskrats may be speared, or of any trap or device that does not comply with the requirements of these regulations, is prohibited, and any such illegal traps and illegal devices found on the refuge may be seized by the superintendent or his representative. No person shall hunt muskrats with a gun or with the aid of a dog, or disturb or molest any muskrat house, beaver house, or beaver dam, or set a trap within three feet of any muskrat house or feeding house or within one hundred feet of any beaver house or beaver dam. No person shall run a trap line or visit traps between sunset and one-half hour before sunrise.

(4) *Trapped birds and mammals.* Birds and mammals other than muskrats found alive in the traps of the permittee shall be immediately liberated. Birds and mammals other than muskrats found dead or mortally injured in the traps shall be immediately turned over to the superintendent or his representative.

(5) *Termination of trapping permits.* Whenever it shall appear advisable for the proper conservation of fur resources and the administration of the refuge, trapping on the entire refuge or on any part thereof may be terminated three days after notice thereof has been published in the FEDERAL REGISTER. Thereupon all outstanding permits for trapping muskrats on the area or areas affected shall become null and void.

(6) *Reports required.* Each permittee not later than thirty days after the close of the open trapping season shall submit to the superintendent a report in which are correctly stated the total number of muskrats taken in each county on the refuge under permit during the season, the name and address of each person or firm to whom the pelts thereof were disposed of, and the number of pelts disposed of to each such person or firm.

(7) *Penalties.* Failure of a permittee to comply with any of the above provisions or the violation by him of any of the regulations issued under authority of the act of June 7, 1924, 43 Stat. 650, establishing said refuge, or of any State law or regulation applicable to trapping on said refuge, not only shall render him subject to prosecution under said laws and regulations, but shall be sufficient cause for refusal of a permit to him for trapping muskrats on said refuge during the open trapping season next following or for any other use or privilege on the refuge for which a permit may be required by regulation.

Approved, March 9, 1940.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 40–1062; Filed, March 14, 1940; 9:31 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWALS NOS. 9 AND 81, NEW MEXICO NOS. 3 AND 12, REDUCED

MARCH 6, 1940.

Departmental orders of February 28, 1918, April 29, 1919, December 9, 1920, and November 5, 1924, establishing and modifying Stock Driveway Withdrawals Nos. 9 and 81, New Mexico Nos. 3 and 12, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked, so far as they affect the following-described lands, which are within New Mexico Grazing Districts Nos. 2 and 7, established March 27, 1936, and September 1, 1939:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 N., R. 6 W.,
all sec. 1, S½ sec. 3, NW¼, S½ sec. 4, N½ sec. 5, all of secs. 6 and 7, N½ sec. 9, N½ sec. 10, N½ sec. 11, N½ sec. 12, all sec. 18;
T. 22 N., R. 6 W.,
all of secs. 3, 4, and 5, E½ sec. 6, E½ sec. 7, all of secs. 8, 9, 10, 15, and 17, NE¼ sec. 18, S½ sec. 19, all sec. 20, N½, SW¼ sec. 21, N½ sec. 22, N½, SW¼ sec. 28, all of secs. 29, 30, and 31;
T. 21 N., R. 7 W.,
all of secs. 1, 3, 10, 11, 12, 13, 14, 21, 22, and 23, N½ sec. 26, N½ sec. 27, NE¼, W½ sec. 28, W½ sec. 33;
T. 22 N., R. 7 W.,
S½ sec. 19, S½ sec. 20, W½ sec. 28, all sec. 29, N½ sec. 30, all of secs. 33 and 34;
T. 22 N., R. 8 W.,
all of secs. 17 and 18, N½ sec. 20, N½, SE¼ sec. 21, S½ sec. 22, S½ sec. 23, S½ sec. 24, N½ sec. 25, N½ sec. 26, N½ sec. 27, NE¼ sec. 28;
T. 22 N., R. 9 W.,
all of secs. 7, 13, 18, 19, 20, 21, 22, 23, and 24;
T. 23 N., R. 9 W.,
NW¼, S½ sec. 6, all sec. 7, NE¼, S½ sec. 18, all of secs. 19 and 30, W½ sec. 31;
T. 24 N., R. 9 W.,
all of secs. 30 and 31;
T. 28 N., R. 9 W.,
lots 1, 2, and 3, S½ SE¼ sec. 12;
T. 22 N., R. 10 W.,
E½ sec. 1, E½ sec. 12;
T. 24 N., R. 10 W.,
all of secs. 3, 10, 11, 13, 14, 24, and 25;
T. 25 N., R. 10 W.,
all of secs. 5 and 6, E½ sec. 8, NE¼, S½ sec. 17, all of secs. 20, 28, 29, 33, and 34;
T. 26 N., R. 11 W.,
N½, SE¼ sec. 3, all of secs. 10, 15, and 22, W½ sec. 23, all of secs. 25 and 26, E½ sec. 27;
T. 27 N., R. 12 W.,
S½ sec. 18, N½, SE¼ sec. 19, S½ sec. 25, S½ sec. 26, S½ sec. 27, S½ sec. 28, N½, SE¼ sec. 29, NE¼ sec. 30;
T. 27 N., R. 13 W.,
N½, SW¼, NE¼, SE¼, S½SE¼ sec. 4, all of secs. 9 and 10, NW¼, S½ sec. 13, all of secs. 14 and 15, N½ sec. 23, N½ sec. 24;
T. 28 N., R. 13 W.,
all fractional sec. 8, all of secs. 17, 20, 21, 28, and 33;
T. 3 S., R. 6 W.,
all sec. 3, S½ sec. 17;
T. 3 S., R. 8 W.,
SW¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼ sec. 14, S½N½, S½ sec. 15,
aggregating 67,530.41 acres.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

[F. R. Doc. 40–1061; Filed, March 14, 1940; 9:31 a. m.]

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A–130 O–130]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER NO. 41 REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

Whereas, pursuant to the authority conferred upon the Secretary of Agriculture under Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued an order [1] regulating the handling of milk in the Chicago, Illinois, marketing area, effective September 1, 1939; and

Whereas, the Secretary on August 18, 1939, tentatively approved a marketing agreement regulating the handling of milk in the said area; and

Whereas, various interested parties have proposed certain amendments to said order and to said tentatively approved marketing agreement; and

Whereas, the Secretary has reason to believe that amendments to said order

[1] 4 F.R. 3764.

and to said tentatively approved marketing agreement will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice of and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposed amendments to the order and the tentatively approved marketing agreement regulating the handling of milk in the Chicago, Illinois, marketing area, at the Stevens Hotel, Chicago, Illinois, at 10:00 a. m., c. s. t., March 20, 1940.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) redefining the terms "marketing area", "producer" and "handler"; (2) amending Sec. 941.3 relating to reports of handlers; (3) revising the classes of utilization; (4) revising the minimum prices; (5) adding a provision to provide for sales in excess of receipts of milk from producers; (6) revising the method and time of paying producers and providing for adjustment of errors in such payments; (7) revising the butterfat differential, and (8) providing for location adjustments to handlers.

Copies of the proposed amendments prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Dated, March 14, 1940.

[F. R. Doc. 40–1078; Filed, March 14, 1940; 11:48 a. m.]

[Docket No. A–131 O–131]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE CALUMET MARKETING AREA, PREPARED AND PROPOSED BY THE PURE MILK ASSOCIATION OF CHICAGO, ILLINOIS, UPON WHICH SAID ORGANIZATION HAS REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Whereas, the Pure Milk Association of Chicago, Illinois, has requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organization and designed to regulate such handling of milk in the Calumet marketing area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Calumet marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement and the issuance of an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held in the Ballroom, Gary Hotel, Gary, Indiana, beginning at 10:00 a. m., c. s. t., March 25, 1940, on the aforementioned marketing agreement and order prepared and proposed by the aforementioned organization and designed to regulate such handling of milk in the Calumet marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Calumet marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (1) definition of the marketing area, (2) selection of a market administrator, (3) reports of handlers, (4) classification of milk, (5) minimum prices to producers, (6) payments to producers through the use of individual handler pools, (7) expenses of administration, and (8) payments to the market administrator for marketing services.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area and it is hereby determined that the period of notice of said hearing hereby given is reasonable under the circumstances.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Dated, March 14, 1940.

[F. R. Doc. 40–1079; Filed, March 14, 1940; 11:48 a. m.]

Food and Drug Administration.

[Docket No. FDC–14]

IN THE MATTER OF PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED AMENDING "REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF AND PAYMENT OF FEES FOR SUCH SERVICE," BY THE LISTING OF ADDITIONAL COAL-TAR COLORS

NOTICE OF CERTIFICATION AND FILING OF TRANSCRIPT OF EVIDENCE AND OF TIME ALLOWED FOR FILLING PROPOSED FINDINGS OF FACT, CONCLUSIONS, ARGUMENTS AND BRIEFS

Notice is hereby given to all interested persons that on Friday, March 15, 1940, there will be certified to and filed with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., the transcript of evidence of the above-entitled hearing held March 11, 1940, pursuant to notice which was published in the FEDERAL REGISTER (Vol. 5, No. 25) dated February 6, 1940, at pages 609–610.

Further notice is hereby given that proposed findings of fact, conclusions, briefs and arguments, based solely on the evidence adduced at the hearing, may be filed with the said Hearing Clerk not later than Saturday, March 23, 1940.

This the 13th day of March 1940.

[SEAL] FRANK S. HASSELL,
Presiding Officer.

[F. R. Doc. 40–1077; Filed, March 14, 1940; 11:48 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF DETERMINATION THAT THE NORTHERN BRANCH OF THE SAND AND GRAVEL INDUSTRY IS, AND THE SOUTHERN BRANCH OF THAT INDUSTRY IS NOT, AN INDUSTRY OF A SEASONAL NATURE

Whereas applications have been made by the National Sand and Gravel Association and sundry other parties, under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations Applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the sand and gravel industry from the

maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas a public hearing on said applications was held before Harold Stein, the representative of the Administrator, duly authorized to take testimony, hear argument and determine whether or not the sand and gravel industry is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

Whereas following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

1. There is a branch of the sand and gravel industry (as defined herein) wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

2. There is a southern branch of the industry wherein the plants do not shut down at all or do not normally shut down for a substantial period each year; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen sand and gravel, because of climatic factors; and

4. The northern branch of the sand and gravel industry is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder; and

5. The southern branch of the sand and gravel industry is not an industry of a seasonal nature within the meaning of the Act and the Regulations; and

6. For the purpose of this Determination the sand and gravel industry shall mean the excavation of sand and gravel, but not industrial sand, from open cuts, including necessary milling operations incident thereto; and

7. For the purpose of this Determination the northern branch of the sand and gravel industry shall include all plants located in counties that lie within the isothermic belt below 25 degrees Fahrenheit or are touched by the 25 degree isotherm on Figure 5 of the American Atlas of Agriculture issued by the United States Department of Agriculture. The said counties are listed in Appendix A attached hereto and incorporated herewith by reference.

8. This determination shall be without prejudice to a supplementary determination enlarging the scope of the Northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the Northern branch described in paragraphs 1 and 3 above.

Whereas said Findings and Determination were duly filed with the Administrator on January 8, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

Whereas on January 16, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 199) a notice which stated that pursuant to the provisions of Section 526.7 of the aforesaid Regulations, any person aggrieved by the said determination might, within fifteen days after January 16, 1940, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative, and

Whereas no petition for review has been filed within the said fifteen days,

Now, therefore, pursuant to the provisions of Section 526.7 of the said Regulations, the exemption provided by Section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice appears in the FEDERAL REGISTER. The said exemption is applicable only as specified by the aforesaid finding and determination.

Signed at Washington, D. C., this 8 day of March 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers,
Administrator.

APPENDIX A

A. All counties in the States of Iowa, Maine, Minnesota, Montana, New Hampshire, North Dakota, South Dakota, Utah, Vermont, Wisconsin, and Wyoming.

B. All counties in the State of Colorado except the counties of Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Denver, Douglas, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma.

All the counties in the State of Connecticut except the counties of Middlesex, New London, Tolland, and Windham.

All the counties in the State of Idaho except the counties of Ada, Benewah, Canyon, Gooding, Jerome, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Fayette, and Twin Falls.

All the counties in the State of Michigan except the counties of Berrian and Monroe.

All the counties in the State of Nebraska except the counties of Adams, Banner, Buffalo, Chase, Cheyenne, Clay, Dawson, Deuel, Dundy, Franklin, Frontier, Furnas, Gosper, Hall, Harlan, Hayes, Hitchcock, Jefferson, Kearney, Kimball, Nuckolls, Pawnee, Perkins, Phelps, Redwillow, Richardson, Thayer, and Webster.

All the counties in the State of New York except the counties of Genesee, Monroe, Nassau, Niagara, Orleans, Rockland, Seneca, Suffolk, Wayne, Westchester, and all the counties of the City of New York.

C. The following counties in the following States: Illinois—Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Henderson, Henry, Jo Daviess, Kane, Kendall, Knox, Lake, La Salle, Lee, McHenry, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, and Winnebago; Indiana—Allen, DeKalb, Elkhart, Kosciusko, Lagrange, Marshall, Noble, Saint Joseph, Steuben, and Whitley; Massachusetts—Berkshire, Franklin, Hampden, Hampshire, Middlesex, and Worcester; Missouri—Atchison, Gentry, Harrison, Holt, Mercer, Nodaway, Putnam, Schuyler, Scotland, Sullivan, and Worth; Nevada—Elko, Eureka, and White Pine; New Mexico—Colfax, Nora, Rio Arriba, Santa Fe, and Taos; Ohio—Williams; Oregon—Baker, Clackamas, Deschutes, Grant, Hood River, Jefferson, Lane, Linn, Marion, Unatilla, Union, and Wasco; Pennsylvania—Bradford, Erie, Lackawanna, McKean, Pike, Potter, Susquehanna, Tioga, Warren, Wayne, and Wyoming; Washington—Chelan, Ferry, King, Kittitas, Lewis, Okanogan, Pend Oreille, Pierce, Skagit, Skamania, Snohomish, Spokane, Stevens, Whatcom, and Yakima.

[F. R. Doc. 40–1058; Filed, March 13, 1940; 1:49 p. m.]

IN RE: APPLICATION OF ABRAHAM GERSTENZANG, INC., AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY LEARNERS IN THE ARTIFICIAL FLOWER INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM

NOTICE OF HEARING

Whereas, applications have been made by Abraham Gerstenzang, Inc., and sundry other parties under section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners pursuant to section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the artificial flower industry at wages less than the applicable minimum wage specified in section 6 of the Act;

Now, therefore, pursuant to the said Act and Section 522.4 of the said Regulations, notice is hereby given of a public hearing to be held in the Raleigh Hotel, 12th Street and Pennsylvania Avenue NW., Washington, D. C. to commence at 10 A. M. on April 2, 1940, before Gustav Peck, Assistant Director of the Hearings Branch of the Wage and Hour Division, hereby duly authorized as presiding officer to conduct said hearing, to take testimony for the purpose of determining, and to determine:

(a) What, if any, occupation or occupations in the artificial flower industry re-

quire a learning period, and if any occupation is found to require a learning period,

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the artificial flower industry, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued for the employment of learners in the artificial flower industry.

At this hearing opportunity to present evidence relevant to above questions will be afforded any interested person provided the presiding officer shall have received from such person, prior to noon, Saturday, March 30, 1940, a notice of intention to apear setting forth his name and address, the company or organization which he represents, and the approximate length of time required for such presentation.

As used in this notice, the term "artificial flower industry" includes the manufacture, processing and fabrication of artificial flowers, buds, foliage, fruits, plants, and feathers, or parts thereof from any material; and the preservation and processing of natural flowers, foliage and feathers.

Signed at Washington, D. C., this 14th day of March 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers,
Administrator.

[F. R. Doc. 40–1067; Filed, March 14, 1940; 10:41 a.m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 15, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks' experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Diane Sportswear Inc., 237 South Market Street, Chicago, Ill., 5 learners, skirts and blouses.

Elgin Dress Company, Elgin, Ill., 5 learners, cotton dresses.

Irving Manufacturers, 1062 Merchandise Mart, Chicago, Ill., 3 learners, blouses and sportswear.

Joyce Dressmakers, 4827 North Demon Avenue, Chicago, Ill., 1 learner, dresses and scarfs.

Le Nore Garments, Inc., 325 East Adams Street, Chicago, Ill., 5 learners, aprons.

McAdoo Sportswear Co., Inc., Danville, Pa., 5 learners, cotton sportswear.

The Mack Shirt Corporation, 209–215 East Sixth Street, Cincinnati, Ohio, shirts.

The Mack Shirt Corporation, 1660 Central Avenue, Cincinnati, Ohio, pajamas and shirts.

The Rauh Company, Cincinnati, Ohio, shirts.

S. Rosenbloom, Inc., Pocomoke City, Md., 5 learners, sport shirts.

Saugerties Dress Shop, Ulster Avenue, Saugerties, N. Y., 5 learners, house dresses.

Stuart Mfg. Company, Easley, S. C., 5 learners, men's sportswear.

Signed at Washington, D. C., this 14th day of March 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40–1080; Filed, March 14, 1940; 11:54 a. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective March 15, 1940, until July 12, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-mimimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said § 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

S. Rosenbloom, Inc., Pocomoke City, Md., sport shirts, 40 learners.

Stuart Manufacturing Co., Easley, S. C., sport wear, 15 learners.

Signed at Washington, D. C., this 14th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1081; Filed, March 14, 1940; 11:54 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective March 15, 1940, to November 15, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

These Special Certificates are issued ex parte under Section 14 of the said Act, § 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said § 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Shuford Hosiery Mills, Hickory, N. C., 5 learners.

Snow Shoe Knitting Company, Clarence, Pa., 15 learners.

Signed at Washington, D. C., this 14th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1082; Filed, March 14, 1940; 11:54 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective March 15, 1940, until March 15, 1941, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, § 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said § 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Snow Shoe Knitting Company, Clarence, Pa., 5 learners.

Signed at Washington, D. C., this 14th day of March 1940.

[SEAL] MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1083; Filed, March 14, 1940; 11:54 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective March 15, 1940, until June 14, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced

workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

Bonita Ribbon Mills, Brewton, Ala., silk, rayon, cotton, 55 learners.

Signed at Washington, D. C., this 14th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1084; Filed, March 14, 1940; 11:55 a.m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 15, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Mr. L. O. Bunton, 135 North Main Street, Cartersville, Ga., bedspreads.

Signed at Washington, D. C., this 14th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1085; Filed, March 14, 1940; 11:55 a. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE WORK GLOVE DIVISION OF THE GLOVE BRANCH OF THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employer listed below effective March 15, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the work glove division of the Glove Branch of the Apparel Industry under this Certificate is limited to the following occupation, learning period, and minimum wage rate:

(1) A learner is a person who has had less than 480 hours experience in the aggregate in machine stitching in any type of glove manufacturing.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for 480 hours for any one learner. During this period, learners shall be paid at least 25 cents per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 25 cents per hour, but in no case less than 25 cents per hour.

(3) This Special Certificate is issued on representations by the employer that experienced stitching machine operators are not available.

(4) This Special Certificate may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under this Special Certificate, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under this Certificate.

NAME AND ADDRESS OF FIRM AND PRODUCT

Knoxville Glove Company, Knoxville, Tenn., work gloves.

Signed at Washington, D. C., this 14th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1086; Filed, March 14, 1940; 11:55 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 935]

IN THE MATTER OF INLAND POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

MARCH 12, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

It appearing to the Commission that Inland Power & Light Company has filed with the Commission request for postponement of the hearing[1] in this proceeding now set for April 8, 1940, by order of the Commission adopted November 28, 1939, for the reason that certain of its witnesses are unavailable because of engagements before other regulatory bodies and because of illness;

The Commission orders that for good cause shown the hearing in this proceeding now set for April 8, 1940, be and it is hereby postponed to April 29, 1940, at 10:00 A. M. in the Hearing Room of the Federal Power Commission, Hurley-

[1] 4 F.R. 4747.

Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 40–1060; Filed, March 14, 1940; 9:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1940.

[File No. 34–11]

IN THE MATTER OF WEST OHIO GAS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION AND APPLICATION

West Ohio Gas Company (an Ohio corporation), having filed on December 6, 1937 a declaration and application pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935 and Rule U–12E–5 adopted thereunder for authority to solicit consents to an amended plan of reorganization filed by a bondholders' committee in connection with the proceedings for the reorganization of a corporation then pending in the United States District Court for the Northern District of Ohio, Western Division (No. 10, 893) and entitled "In the Matter of West Ohio Gas Company, Debtor"; West Ohio Gas Company having filed on March 7, 1940 a request for withdrawal of the said declaration and application; and the said plan of reorganization of West Ohio Gas Company submitted by a bondholders' committee having been confirmed by the said United States District Court in the said proceedings by order dated September 18, 1939, after appropriate proceedings before this Commission;

It is ordered, That the Commission hereby consents to such withdrawal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40–1068; Filed, March 14, 1940; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 11th day of March, A. D. 1940.

[File No. 52–2]

IN THE MATTER OF WEST OHIO GAS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

West Ohio Gas Company (an Ohio corporation), having filed on August 10, 1937, an application pursuant to Section 11 (f) and 11 (g) of the Public Utility Holding Company Act of 1935 for approval of, and report on, a plan of reorganization submitted by the said company in connection with the proceedings for the reorganization of a corporation then pending in the United States District Court for the Northern District of Ohio, Western Division (No. 10, 893) and entitled "In the Matter of West Ohio Gas Company, Debtor"; West Ohio Gas Company having on November 18, 1937, requested leave to withdraw the said application; and a plan of reorganization of West Ohio Gas Company submitted by a bondholders' committee having been confirmed by the said United States District Court in the said proceedings by order dated September 18, 1939, after appropriate proceedings before this Commission:

It is ordered, That the Commission hereby consents to such withdrawal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40–1069; Filed, March 14, 1940; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1940.

[File No. 2–2]

IN THE MATTER OF THE REPUBLIC COMPANY

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement of The Republic Company, a Colorado corporation, after confirmed telegraphic notice to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises;

It is ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by The Republic Company be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40–1070; Filed, March 14, 1940; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1940.

[File No. 1–900]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE $1 CUMULATIVE FIRST PREFERRED STOCK, NO PAR VALUE, OF WARREN BROTHERS COMPANY

ORDER GRANTING APPLICATION

The New York Stock Exchange having made application to the Commission, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 thereunder, to strike from listing and registration on said exchange the $1 Cumulative First Preferred Stock, no par value, of Warren Brothers Company; and

The Commission having ordered a hearing [1] with respect to said application, which hearing after appropriate notice was held on January 2, 1940; and

The Commission having considered the application, together with the evidence introduced at the hearing, and the report of the trial examiner thereon, and having due regard for the public interest and the protection of investors, and having filed its findings and opinion herein;

It is ordered, That said application be and the same hereby is granted, effective at the close of the trading session on March 23, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40–1071; Filed, March 14, 1940; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of March, 1940.

[File No. 1–1170]

IN THE MATTER OF MEXICO-OHIO OIL COMPANY CAPITAL STOCK, WITHOUT PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Mexico-Ohio Oil Company, pursuant to section 12 (d) of the Securities

[1] 4 F.R. 4878.

Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to withdraw its Capital Stock, Without Par Value, from listing and registration on the New York Curb Exchange; and

After appropriate notice, a hearing[1] having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on March 23, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–1072; Filed, March 14, 1940; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of March, A. D. 1940.

[1] 4 F.R. 182.

[File No. 44–64]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 2, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 27, 1940.

The matter concerned herewith is in regard to an application by United Public Utilities Corporation, a registered holding company, for approval of the acquisition and retirement of not exceeding $125,000 principal amount of the applicant's Ten-Year Interest Scrip, bearing 5% interest, due January 1, 1945, which applicant proposes to purchase throughout the year 1940, either in the open market or by invitation for tenders, at such prices as the Board of Directors of the applicant may authorize.

Applicant has designated Section 12 (c) of the Act and Rule U-12C–1 promulgated thereunder as applicable to the above transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–1073; Filed, March 14, 1940; 11:18 a. m.]